



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

March 24, 2015

Dr. Stuart Altman, Chair
Massachusetts Health Policy Commission
50 Milk Street, 8th Floor
Boston, MA 02109

Dear Chairman Altman:

On June 26, 2014, the Massachusetts Senate and House enacted H.4228, *An act relative to patient limits in all hospital intensive care units*. This bill was the result of a compromise on my own piece of legislation, S.557, *An act relative to patient safety*. As you are discussing the promulgation of regulations governing the implementation of this law, it is my hope that these regulations reflect the legislative intent behind the law.

As the chief sponsor of the original legislation and an advocate who was involved in the enactment of the final legislation until the very end, I believe I have a very good understanding of the legislative intent. It is clear that the legislature intended to have a one patient to one nurse assignment with the ability to move to a two patient to one nurse assignment based upon the stability of the patients as assessed by the direct care nurses in the Intensive Care Unit, with the assistance of an acuity tool. I am concerned that the proposed regulations do not follow this legislative intent, as the acuity tool was intended only to supplement the clinical judgment of the staff nurses, not replace it. Further the staff nurses were supposed to be involved in both the development and approval of the tool.

I commend the Health Policy Commission for its work on these regulations. However, I ask that the regulations you promulgate follow the clear intent of the legislature. The legislature provided no exceptions to the law for a reason. I appreciate your favorable consideration of this matter. If you have any questions, or require additional information, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc R. Pacheco".

Marc R. Pacheco
State Senator